

From: [Joanne Durand](mailto:Joanne.Durand@epa.gov)
To: [Nancy Fitz/DC/USEPA/US@EPA](mailto:Nancy.Fitz@epa.gov)
Cc: [Jeanne Kasai/DC/USEPA/US@EPA](mailto:Jeanne.Kasai@epa.gov); [Gibbs Moore/DC/USEPA/US@EPA](mailto:Gibbs.Moore@epa.gov)
Subject: RE: Monsanto Tanks
Date: 10/27/2011 05:10 PM

I'll be sure that Kent and I look this over thoroughly and get in touch if we have questions; you've been MORE than helpful to us and we can't thank you enough for your hard work and patience. I'll be in touch if we have questions!

Thank you,

Joanne Durand
Resource Advocate
R360 Division
Your Solution for EPA Compliant Labels
and Tamper Evident Seals
joanne@aginfoldata.com
763-682-1414 - Corporate

1111 Hwy 25 N, Suite 202
Buffalo, MN 55313
www.aginfoldata.com

-----Original Message-----

From: Fitz.Nancy@epamail.epa.gov [mailto:Fitz.Nancy@epamail.epa.gov]
Sent: Thursday, October 27, 2011 4:08 PM
To: Fitz.Nancy@epamail.epa.gov; Joanne Durand
Cc: Kasai.Jeanne@epamail.epa.gov; Moore.Gibbs@epamail.epa.gov
Subject: Re: Monsanto Tanks

Hello Joanne,

This email is intended to provide some additional clarification on the Q&As I sent last week about the Monsanto Shuttle and Cube containers. In particular, this morning you and Kent mentioned that some retailers are under the impression that Monsanto tanks are completely exempt from the refillable container and repackaging regulations. This is NOT correct!

First, the regulations require portable refillable containers to comply with the four requirements listed below. The recent round of Q&As about Monsanto's Shuttle and Cube tanks only address the first point about the DOT requirements. The Monsanto tanks still must have tamper-evident devices (or one-way valves) on the openings, must be durably marked with a serial number (or other identifying code) and must be on Monsanto's description of acceptable containers for that pesticide. In particular, independent refillers (that are not the registrant of the pesticide) must repackage into portable refillable containers that:

- Comply with the DOT standards that EPA adopted at Packing Group III as a minimum;
- Are durably marked with a serial number/identifying code;
- Have a tamper-evident device or a one-way valve or both on each opening other than a vent; and
- Are on the registrant's description of acceptable containers.
[§165.45(a)-(e); §165.70(e)(3)]

Second, refillers who repackage pesticides into Monsanto's containers must comply with all of the conditions for repackaging in the regulations and all of the repackaging requirements for refillers, including but not limited to, obtaining information from the registrant and keeping records of it; recording certain information each time the refiller repackages pesticide into the containers; inspecting the container before refilling it; cleaning the container if necessary; and ensuring that the pesticide label is securely attached to the container.

In summary, Monsanto's containers must comply with all of the requirements for portable refillable containers that are highlighted in the attached document and refillers must comply with all of the highlighted conditions for repackaging and the highlighted requirements for independent refillers in the attached document. The only thing that is different for Monsanto tanks is they way they comply with the DOT standards that EPA adopted (highlighted in green) since they don't have the UN/DOT marking. Monsanto tanks and refillers of Monsanto's products must still comply with all of the other requirements in EPA's refillable container and repackaging requirements.

Please let me know if you have any additional questions about this.

Nancy Fitz
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-7385 (phone)
(703) 308-2962 (fax)
fitz.nancy@epa.gov (e-mail)
Pesticide container & containment web site:
<http://www.epa.gov/pesticides/regulating/containers.htm>

(See attached file: Refill Container & Repackaging Fact Sheet Monsanto tanks 10 27 11.docx)

From: Nancy Fitz/DC/USEPA/US
To: "Joanne Durand" <joanne@aginfoldata.com>
Date: 10/21/2011 02:12 PM
Subject: Re: Monsanto Tanks

Hi Joanne,

Here you go -

After a lot of research about DOT's regulations and a number of discussions with Monsanto, here are two Q&As to provide some clarity about why Monsanto's refillable containers (with capacities of 120 gallons or larger) can be used in compliance with EPA's pesticide container regulations even though they do not have the DOT/UN marking and why they do not need to be leakproofness tested. These Q&As have been reviewed by Monsanto, EPA, and DOT.

Please distribute them widely because this has been the source of a lot of confusion and questions recently. If you have any questions, please contact me.

Nancy Fitz
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-7385 (phone)
(703) 308-2962 (fax)
fitz.nancy@epa.gov (e-mail)
Pesticide container & containment web site:
<http://www.epa.gov/pesticides/regulating/containers.htm>

(See attached file: Monsanto Container QAs 10 21 11.pdf)

From: "Joanne Durand" <joanne@aginfoldata.com>
To: Nancy Fitz/DC/USEPA/US@EPA
Date: 10/11/2011 05:45 PM
Subject: Monsanto Tanks

Hi Nancy,

Any news on the Monsanto tanks?

Thank you!

Joanne Durand
Resource Advocate
R360 Division
Your Solution for EPA Compliant Labels
and Tamper Evident Seals
joanne@aginfoldata.com
763-682-1414 - Corporate

1111 Hwy 25 N, Suite 202
Buffalo, MN 55313
www.aginfoldata.com